

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JESSIE WILLIAMS,

Plaintiff,

v.

WILLIAM POLLARD and GREFF,

Defendants.

ORDER

13-cv-395-bbc

In an order dated July 23, 2013, I dismissed plaintiff Jessie Williams's proposed complaint because it violated Fed. R. Civ. P. 8, and gave him until August 13, 2013 to file an amended complaint. I told plaintiff that if he failed to respond by the deadline, I would dismiss this case for failure to state a claim upon which relief may be granted and issue a strike in accordance with 28 U.S.C. § 1915(g). Paul v. Marberry, 658 F.3d 702, 704-06 (7th Cir. 2011) (court should give strike for failure to correct pleading that violates Rule 8).

It is well past the deadline and plaintiff has not responded to the court's July 23 order. Accordingly, this case will be dismissed. However, since the July 23 order was entered, plaintiff has received a third strike, which was issued in case 13-cv-290-bbc. Plaintiff has now struck out under 28 U.S.C. § 1915(g) and cannot ask to proceed in forma pauperis in any case except one in which he alleges that he is in imminent danger.

Therefore, it is not necessary to issue a fourth strike.

ORDER

IT IS ORDERED that

1. This case is DISMISSED for plaintiff Jessie Williams's failure to state a claim upon which relief may be granted.

2. Plaintiff is obligated to pay the unpaid balance of his filing fee in monthly payments as described in 28 U.S.C. § 1915(b)(2). The clerk of court is directed to send a letter to the warden of plaintiff's institution informing the warden of the obligation under Lucien v. DeTella, 141 F.3d 773 (7th Cir. 1998), to deduct payments from plaintiff's trust fund account until the filing fee has been paid in full.

3. The clerk of court is directed to enter judgment in favor of defendants and close this case.

Entered this 23d day of August, 2013.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge